

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**RICKEY LYNN RILEY,
Plaintiff,**

v.

**TEXAS GENERAL HOSPITAL,
Defendant.**

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CASE NO. 6:19cv221-JDK-KNM

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED
STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On July 11, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 9), recommending that this action be dismissed without prejudice for lack of subject matter jurisdiction. The Clerk sent the Report and Recommendation to the plaintiff by certified mail. The Court received an acknowledgment of receipt card indicating that the Report and Recommendation was received on July 12, 2019 (Docket No. 10). No written objections have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections. The

Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and her conclusions to determine if they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 916 (1989) (holding that the standard of review is "clearly erroneous, abuse of discretion and contrary to law" if no objections to a Magistrate Judge's Report are filed).

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Therefore, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 9) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 9) is **ADOPTED** and that the above-styled civil action be **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **2nd** day of **August, 2019**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE